

Senate Bill 256

By: Senators Douglas of the 17th, Staton of the 18th, Johnson of the 1st, Shafer of the 48th, Balfour of the 9th and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates for motor vehicles, so as to provide for special license plates remembering the tragedy of 9/11/01; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such license plates; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates for motor vehicles, is amended by adding a new Code Section 40-2-86.10 to read as follows:

"40-2-86.10.

(a) There shall be issued beginning in 2006 special and distinctive vehicle license plates remembering the tragedy of 9/11/01, subject to the conditions set forth in this Code section.

(b) The commissioner shall design special distinctive license plates remembering the tragedy of 9/11/01. The license plates must be of the same size as general issue motor vehicle license plates and shall include a unique design and identifying number, whereby the total number of characters does not exceed six. No two recipients shall receive identically numbered plates. The license plate will contain the words 'We will not forget 9/11/01' in the space normally containing the county of issuance. Such design shall not provide space in which to indicate the name of the county of issuance. The graphic on the special license plate shall be placed to the left of the alphanumeric characters and shall be no larger than three inches by three inches.

(c) Notwithstanding the foregoing provisions of this Code section, this Code section shall not be implemented until such time as the State of Georgia has, through a licensing agreement or otherwise and at no cost to the state, received such licenses or other permissions as may be required for the use of any logo or as may otherwise be necessary

1 or appropriate to implement this Code section. No royalty, license fee, or other moneys
2 shall be paid to any organization or its licensor for the use by the state of such logo or
3 design on license plates authorized by this Code section. The commissioner may charge
4 fees, take other actions, and agree to or impose terms and conditions which might normally
5 be envisioned in licensing and cross-licensing agreements for the use of designs and similar
6 intellectual property. Without limitation, the commissioner may agree to allow to others
7 the exclusive or nonexclusive use of the design of the special license plate. The design of
8 the special license plate, excepting only any part of the design owned by others and
9 licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and
10 control, except as authorized by the commissioner. The commissioner may take such steps
11 as may be necessary to give notice of and protect such right, including the copyright.
12 However, such steps shall be cumulative of the ownership and exclusive use and control
13 established by this subsection as a matter of law and no person shall reproduce or otherwise
14 use such design, except as authorized by the commissioner.

15 (d) Beginning in calendar year 2006, any qualified Georgia resident who is the owner of
16 a motor vehicle, except a vehicle registered under the International Registration Plan, upon
17 complying with the motor vehicle laws relating to registration and licensing of motor
18 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular
19 motor vehicle registration fee shall be issued a license plate remembering the tragedy of
20 9/11/01. Revalidation decals shall be issued for such license plates in the same manner as
21 provided for general issue license plates.

22 (e) An applicant may request a license plate remembering the tragedy of 9/11/01 at any
23 time during the applicant's registration period. If such a license plate is to replace a current
24 valid license plate, such license plate shall be issued with appropriate decals attached.

25 (f) No special license plate authorized pursuant to this Code section shall be issued except
26 upon the receipt by the department of at least 1,000 applications. The special license plate
27 shall have an application period of two years after July 1, 2005, for payment of the
28 manufacturing fee. After such time if the minimum number of applications is not met, the
29 department shall not continue to accept the manufacturing fee, and all fees shall be
30 refunded to applicants.

31 (g) The department shall not be required to continue to manufacture the special license
32 plate if the number of active registrations falls below 500 registrations at any time during
33 the five-year period as provided in subsection (b) of Code Section 40-2-31. A current
34 registrant may continue to renew such special license plate during his or her annual
35 registration period upon payment of an additional \$25.00 annual special tag fee which fee
36 shall be collected by the county tag agent at the time of collection of other registration fees
37 and shall be remitted to the state as provided in Code Section 40-2-34. The department

1 may continue to issue such special license plates that it has in its inventory to assist in
2 achieving the minimum number of registrations. If the special license plate falls below 500
3 active registrations at any time during the five-year period as provided in subsection (b) of
4 Code Section 40-2-31, the department must receive 1,000 applications accompanied by the
5 manufacturing fee to continue to manufacture the license plate.

6 (h) License plates remembering the tragedy of 9/11/01 shall be transferred from one
7 vehicle to another vehicle in accordance with the provisions of Code Section 40-2-80.

8 (i) License plates remembering the tragedy of 9/11/01 shall be issued within 30 days of
9 application once the requirements of this Code section have been met."

10 **SECTION 2.**

11 This Act shall become effective on July 1, 2005.

12 **SECTION 3.**

13 All laws and parts of laws in conflict with this Act are repealed.